

decided according to the addressee of the property requirements. The offence should be qualified under art. 146 of the Criminal Code if the requirement is addressed directly to the victim. And in the case, when this requirement is addressed not to the victim, but to the third person, the actions of illegal deprivation of liberty or kidnapping for ransom should be considered as hostage-taking.

In conclusion, it should be underlined that the difference between illegal deprivation of liberty, kidnapping and taking hostages is essential issue of criminal law. The correct distinguishing of these offenses has not only theoretical but primarily great practical importance for proper criminal law qualification.

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## THE NOTION OF REAL BURDEN

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Today while speaking about subjective (individual) proprietary rights we use the term «burden» both in legal doctrine and legislation. Despite the importance of this institution neither legislation nor legal doctrine defines the term comprehensively and discloses its legal nature. The lack of understanding of the real burden essence reduces the effectiveness of land relations regulation, makes it difficult and sometimes even impossible to apply this institute in practice.

The term "burden" originally comes from civil law that gives a definition of this concept which is as follows: «Burden is a prohibition to dispose and/or use immovable property (real estate), which can be set either by law or by acts of public authorities and their officials or under the contracts.

In other words, due to the civil law the burden (real burden) means the

circumstances of individual (personal) nature and narrow limits to freedom of a subjective right carrier. The thing is that a burden can be installed only relevantly separate objects. While burdening certain object such burdens narrows the powers of a subjective right carrier. The plot of land is an immovable thing under the Civil Code of Ukraine, so that the regulation of real burdens (burdens concerning a plot of land) and other burdens (concerning immovable property) are the same. Therefore real burdens are regulated by the provision of Civil Code of Ukraine, Land Code of Ukraine and the Law "On State Registration of Proprietary Rights and Their Burdens".

Until quite recently, Ukrainian legislator did not singled out the concept of "real burdens." This is because of the fact that the soviet ideology denied the existence of private property, so there was no need for such an institute of land law. Thus the concept of real burdens in Ukrainian legislation had not existed before the Land Code adoption in 2001.

Under the Land Code of Ukraine, a land plot ownership can be burdened with the rights of other people. Real burdens are installed by law or act of public authority, official or contract by banning to use it and/or disposing of it. Real burdens (except those ones that are directly set up by law) are to be registered in the State Register of Proprietary Rights and Their Burdens.

It is obvious that legal regulation of real burden in the Land Code of Ukraine is not comprehensive. There is no definition of the real burden and its types in the Land Code of Ukraine. There are different conceptions of the real burden definition, its legal nature and types given by different researchers of Civil law.

There is an approach due to which burdens are any rights for land plots other than ownership.

Some researchers consider that real burden is the right that is further established to object, other than property right. However, such additional rights burden both the object and the property right.

In legal doctrine there is a conception that recognizes the real burden as a temporary or permanent additional duties of the owner to consider certain circumstances while committing deeds with immovable property.

But the most comprehensive and substantiated is the definition of real burden as public relations regulated by law that are related to the narrowing of the owner's rights (or the user's rights), that can be established by law, administrative act, contract or court's decision in favour of third parties to use the land.

The essence of real burden can be disclosed through its characteristic features:

1. the real burden charges the powers of a subjective right carrier (of an owner/user of the land plot)
2. the real burden is a proprietary right to another person's property;
3. the real burden is a separate legal phenomenon, and it differs from the limitation of the title;
4. the real burden can be installed only individually concerning separate object;
5. the real burden is interconnected with the burdened plot of land, and follow it in case of ownership transfer of such land plot to another person;

6. state registration of real burden is obligatory;

A special feature of different types of real burdens is their dual legal nature (dualistic nature of real burden), because while limiting the authority of the owner of burdened land plot they simultaneously create rights of third parties concerning burdened land plot.

Having analyzed and summarized the above mentioned, we can conclude that the Ukrainian legislator did the right thing having provided the institution of real burden into the legislation. The real burden is the charging (narrowing) of the owner's rights (or the user's rights), that can be established by law, administrative act, contract or court's decision in favour of third parties to use the land.

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## CRIMINAL LIABILITY FOR THE VIOLENT DONATION

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With development of Ukraine as the independent legal state there is a revision of the system of values that existed before. Person's life, health, honour, dignity, integrity and security are the highest values in Ukrainian society; it is envisaged at constitutional level. Therefore criminal protection of life and health gains special significance.

There is a necessity of modern medicine in donor blood because of rapid medicine development, appearance of new treatment methods, including the use of person's blood, its components. Blood donation is always associated with the violation of bodily integrity donor and the risk of harm to his health and the spread of